

Rockland Harbor Park, LLC)	Departmental
Knox County)	Findings of Fact and Order
Rockland, Maine)	Air Emission License
A-841-71-B-R/T (SM))	

After review of the air emissions license application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction:

Rockland Harbor Park, LLC. (RHP) has requested to transfer and renew the air emission license held formerly by Bracebridge Corporation, Rockland Operations (MBNA). The company owns a number of buildings located in Rockland, Maine that require an Air Emissions License to permit the operation of two boilers and an emergency generator.

B. Emission Equipment:

RHP is authorized to operate the following equipment:

Fuel Burning Equipment

Equipment	Maximum Capacity (MMBtu/hr)	Maximum Firing Rate (gal/hr)	Fuel Type, % sulfur	Stack #
Boiler #1	4.0	28.6	#2 fuel oil	1
Boiler #2	4.0	28.6	#2 fuel oil	1
Generator #1	11.6	84.6	Diesel, 0.05%	2

* The #2 fuel oil will meet the ASTM D396 specifications

RHP also operates small boilers and HVAC units that have been determined to be insignificant by size per 06-096 CMR 115 Appendix B.

C. Application Classification:

The application for RHP does not include the licensing of increased emissions or the installation of new or modified equipment. Therefore, the license is considered to be a renewal of current licensed emission units only and has been processed through Minor Source Air Emission License Regulations, 06-096 CMR 115 (last amended December 24, 2005). With the fuel limit on the boilers and the operating hours restriction on the emergency generator, the facility is licensed below the major source thresholds and is considered a synthetic minor. A completed air emission license transfer application was also submitted to the Department and is included in this license renewal.

II. BEST PRACTICAL TREATMENT (BPT)

A. Introduction:

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in Definitions Regulation, 06-096 CMR 100 (last amended December 24, 2005). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

B. Boilers #1 and #2:

Both boilers were manufactured in 2001 with maximum design capacities of 4.0 MMBtu/hr each. They are not subject to EPA New Source Performance Standards (NSPS) Subpart Dc, for boilers with a heat input of 10 MMBtu/hr or greater and manufactured after June 9, 1989.

The following is a summary of the BPT analysis for Boilers #1 and #2:

1. The total fuel use for the facility shall not exceed 100,000 gal/year of #2 fuel oil based on a 12 month rolling total.
2. The SO₂ emission limits are based on the firing of fuel which meets the criteria in ASTM D396 for #2 fuel oil.

3. Fuel Burning Equipment Particulate Emission Standard, 06-096 CMR 103 (last amended November 3, 1990) regulates PM emission limits. The PM₁₀ limits are derived from the PM limits.
4. NO_x emission limits are based on data from similar #2 fired boilers of this size and age.
5. CO and VOC emission limits are based upon AP-42 data dated 9/98.
6. Visible emissions from the combined stack of Boilers #1 and #2 shall not exceed 20% opacity on a six (6) minute block average, except for no more than one (1) six (6) minute block average in a continuous 3-hour period.

C. Back-up Generator #1

RHP operates one back-up generator (11.6 MMBtu/hr) for emergency power and equipment tests rated at 84.6 gallons/hour.

Back-up generators are only to be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. Back-up generators are not to be used for prime power when reliable offsite power is available.

A summary of the BPT analysis for Generator #1 is the following:

1. The back-up generator shall be limited to 500 hr/yr of operation based on a 12 month rolling total. Compliance shall be demonstrated by a written log of all generator operating hours.
2. 06-096 CMR 106 regulates fuel sulfur content, however in this case a BPT analysis for SO₂ determined a more stringent limit of 0.05% was appropriate and shall be used.
3. 06-096 CMR 103 regulates PM emission limits. The PM₁₀ limits are derived from the PM limits.
4. NO_x, CO, and VOC emission limits are based upon AP-42 data dated 10/96.
5. Visible emissions from the back-up generator shall not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period.

D. Annual Emission Restrictions:

RHP shall be restricted to 100,000 gallons per year of #2 fuel oil, based on a 12-month rolling total and to 500 hours of operation of the emergency generator. The facility shall be restricted to the following annual emissions, based on a 12 month rolling total:

Total Licensed Annual Emissions for the Facility
Tons/year
(used to calculate the annual license fee)

	PM	PM ₁₀	SO ₂	NO _x	CO	VOC
Boilers	0.6	0.6	3.5	2.8	0.3	0.1
Generator #1	0.4	0.4	0.2	9.3	2.5	0.4
Total TPY	1.0	1.0	3.7	12.1	2.8	0.5

III. TRANSFER REQUIREMENTS

A. Title, Right, or Interest

The parties have provided sufficient evidence of title, right, or interest in the facility to allow the transfer of the facility's licenses.

B. Financial Capacity and Intent

RHP states that they possess the financial capacity to operate the facility in compliance with its air emission license.

C. Technical Capacity and Intent

RHP's acquisition of the facility is not expected to result in any significant change in the employees that currently operate the equipment, facilities, and conduct other activities. The facility's regulatory history with the MEDEP demonstrates that the environmental personnel are competent in air pollution control. The information submitted in the application provides sufficient evidence that facility has the technical capacity and intent to comply with their air emission license.

D. Certification

RHP certifies that there will be no increase in air emissions beyond that provided for in the existing licenses, either in quantity or type.

IV. AMBIENT AIR QUALITY ANALYSIS

According to the 06-096 CMR 115, the level of air quality analyses required for a renewal source shall be determined on a case-by case basis. Modeling and monitoring are not required for a renewal if the total emissions of any pollutant released do not exceed the following:

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Pollutant	Tons/Year
PM	25
PM ₁₀	25
SO ₂	50
NO _x	100
CO	250

Based on the above total facility emissions, RHP is below the emissions level required for modeling and monitoring.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-841-71-B-R/T subject to the following conditions:

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (38 M.R.S.A. §347-C).

- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353. [06-096 CMR 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 CMR 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 CMR 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been

necessary in order to maintain compliance with the conditions of the air emission license. [06-096 CMR 115]

- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
- A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - 2. pursuant to any other requirement of this license to perform stack testing.
 - B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - C. submit a written report to the Department within thirty (30) days from date of test completion.
- [06-096 CMR 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
 - C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
- [06-096 CMR 115]

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- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [06-096 CMR 115]
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 CMR 115]

SPECIFIC CONDITIONS

- (16) Boilers #1 and #2

A. Total fuel use for the boilers shall not exceed 100,000 gal/yr of #2 fuel oil, which meets the criteria in ASTM D396. Compliance shall be demonstrated by fuel records from the supplier showing the quantity and type of fuel delivered. Records of annual fuel use shall be kept on a 12-month rolling total basis. [06-096 CMR 115, BPT]

B. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Boiler #1	PM	0.12	06-096 CMR 103(2)(B)(1)(a)
Boiler #2	PM	0.12	06-096 CMR 103(2)(B)(1)(a)

C. Emissions shall not exceed the following [06-096 CMR 115, BPT]:

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Emission Unit	PM (lb/hr)	PM₁₀ (lb/hr)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #1	0.32	0.32	2.01	1.6	0.14	0.01
Boiler #2	0.32	0.32	2.01	1.6	0.14	0.01

Compliance shall be demonstrated on request of the Department through stack testing in accordance with the appropriate method found in 40 CFR Part 60, Appendix A. [06-096 CMR 115, BPT]

- D. Visible emissions from each of the boilers shall not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]

(17) Back-up Generator

- A. Facility shall limit the Back-up Generator to 500 hr/yr of operation (based on a 12 month rolling total). An hour meter shall be maintained and operated on the Back-up Generator. [06-096 CMR 115, BPT]
- B. The Back-up Generator shall only to be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. The Back-up Generator shall not to be used for prime power when reliable offsite power is available. A log shall be maintained documenting the date, time, and reason for operation. [06-096 CMR 115, BPT]
- C. The Back-up Generator shall fire #2 fuel oil with a sulfur limit not to exceed 0.05% by weight. Compliance shall be based on fuel records from the supplier showing the quantity of fuel delivered and the percent sulfur of the fuel. [06-096 CMR 115, BPT]
- D. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Generator #1	PM	0.12	06-096 CMR 103(2)(B)(1)(a)

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E. Emissions shall not exceed the following [06-096 CMR 115, BPT]:

Emission Unit	PM (lb/hr)	PM₁₀ (lb/hr)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #1	1.39	1.39	0.60	37.1	9.9	0.17

F. Visible emissions from the Back-up Generator shall not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period.
[06-096 CMR 101]

- (18) RHP shall submit an application for an amendment prior to running Emergency Generators as Dispatchable Load Generators. The amendment will reflect this change and the hours of operation will be reduced from 500 to 250 hours per year (based on a 12 month rolling total).

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2008.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, COMMISSIONER

The term of this license shall be five (5) years from the signature date above.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: September 7, 2007

Date of application acceptance: September 21, 2007

Date filed with the Board of Environmental Protection: _____

This Order prepared by Edwin Cousins, Bureau of Air Quality.

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